

1 TONY WEST
Assistant Attorney General

2 MELINDA HAAG (CA Bar No. 132612)
3 United States Attorney
JOANN M. SWANSON (CA Bar No. 88143)
4 Chief, Civil Division
SARA WINSLOW (DC Bar No. 457643)
5 GIOCONDA R. MOLINARI (CA Bar No. 177726)
Assistant United States Attorneys
6 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
7 Telephone: (415) 436-6925 (Winslow)
(415) 436-7220 (Molinari)
8 Facsimile: (415) 436-6748
sara.winslow@usdoj.gov

9 JOYCE R. BRANDA
10 Director, Commercial Litigation Branch
PATRICIA R. DAVIS
11 PATRICIA L. HANOWER
Attorneys
12 Civil Division
United States Department of Justice
13 P.O. Box 261
Ben Franklin Station
14 Washington, D.C. 20044
Telephone: (202) 514-4397

15 Attorneys for the United States of America

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO HEADQUARTERS**
19

20 UNITED STATES OF AMERICA, ex
rel. ANDREOZZI, *et al.*

21 Plaintiff,

22 v.

23 ELI LILLY AND COMPANY,

24 Defendant.
25

Case No. C 09-1921 JSW

**JOINT STIPULATION OF DISMISSAL
WITHOUT PREJUDICE; [PROPOSED]
ORDER**

26 The United States of America, by and through its undersigned counsel, and Marc
27 Andreozzi, as Relator and acting pro se, hereby stipulate to the dismissal of the instant qui tam
28

1 action without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

2 1. On December 8, 2011, after his former counsel withdrew, Relator Marc Andreozzi
3 contacted the undersigned attorneys for the United States, and stated that he wished to dismiss
4 this case without prejudice. Relator has not obtained substitute counsel in this matter.

5 2. Relator hereby requests this Court to order dismissal of the above-captioned action
6 without prejudice to the action being renewed, either by the Relator, the United States, or any
7 of the named plaintiff states at a later date.¹

8 3. Pursuant to 31 U.S.C. § 3730(b)(1), the Attorney General of the United States of
9 America, by and through the undersigned, consents to the foregoing dismissal so long as it is
10 without prejudice to the United States. Likewise, the following states and the District of
11 Columbia, each of whom was named as a plaintiff in this action, consent to the foregoing
12 dismissal: California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana,
13 Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New
14 Hampshire, New Mexico, New York, Oklahoma, Rhode Island, Tennessee, Texas, Virginia,
15 Wisconsin. The dismissal is in the best interests of the United States and the plaintiff states.

16 4. The qui tam complaint has not been served on the defendant. Therefore, no answer has
17 been served or filed, and no other parties have appeared in this action.

18 IT IS SO STIPULATED.

19 Respectfully submitted,

20 TONY WEST
Assistant Attorney General

21 MELINDA HAAG
22 United States Attorney

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26 ¹ In addition to alleging FCA violations on behalf of the United States, Andreozzi alleged
27 violations of state statutes on behalf of California, Delaware, Florida, Georgia, Hawaii, Illinois,
28 Indiana, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey,
New Mexico, New York, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, Wisconsin, and
the District of Columbia.

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2 Dated: January 11, 2012
3 Dated: December, 2011

4 By: Sara Winslow
5 SARA WINSLOW
6 GIOCONDA R. MOLINARI
7 Assistant United States Attorney
8 Attorneys for the United States of America

9
10 Dated: December 28 2011

11 By: Marc Andreozzi
12 MARC ANDREOZZI
13 Relator (Acting *Pro Se*)

14 **PROPOSED ORDER**

15 Pursuant to stipulation and for good cause shown, IT IS HEREBY ORDERED that this
16 action is dismissed without prejudice to either the relator, the United States of America or the
17 plaintiff states. The United States shall serve this Order on all interested
18 parties.

19 IT IS SO ORDERED.

20 Dated: January 30, 2012

21 Jeffrey S. White
22 HONORABLE JEFFREY S. WHITE
23 United States District Judge